

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**GLAXO GROUP LIMITED, d/b/a
GlaxoSmithKline,**

Plaintiff,

v.

**HONORABLE DAVID J. KAPPOS,
Undersecretary of Commerce for
Intellectual Property & Director of the
United States Patent & Trademark Office,**

Defendant.

Civil Action No. 10-1032 (JDB)

ORDER

Upon consideration of Defendant's consent motion to remand in lieu of an answer, and the entire record herein, it is hereby

ORDERED that the motion is **GRANTED**; and it is further

ORDERED that the Plaintiff's existing patent-term calculation is hereby **VACATED**; and it is further

ORDERED that this matter is **REMANDED** to the United States Patent and Trademark Office ("USPTO") for recalculation and adjustment of the disputed patent term in accordance with the decision of the United States Court of Appeals for the Federal Circuit in Wyeth & Elan Pharma Int'l Ltd. v. Hon. Jon W. Dudas, Civil Action No. 07-01492 (JR), 591 F.3d 1364 (Fed. Cir. 2010), and consistent with the USPTO's published interim procedure for such calculations; and it is further

ORDERED that this case is **DISMISSED** without prejudice.

/s/

JOHN D. BATES
United States District Judge

Date: August 5, 2010